(10)

AN ESSAY OF A KING,

WITH

An explanation what manner of persons those should be that are to execute the power or ordinance of the KINGS Prerogative.

WRITTEN

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51 (10)

An Eſſay of a King written by Sir *Francis Bacon*.

A King is a mortall God on Earth, unto whom the living God hath lent his own name as a great honour: But withall told him hee ſhould die like a man, leſt he ſhould be proud and flatter himſelf, that God hath with his name imparted unto him his nature alſo.

2 Of all kinds of men, God is leaſt beholding unto them, for he doth moſt for them, and they do ordinarily leaſt for him.

3 A King that would not feele his Crown too heavy for him, muſt weare it every day, but if he think it too light, he knoweth not of what mettall it is made of.

4 He muſt make Religion the Rule of government, and not the Scale; for he that caſteth in Religion onely to make the ſcales even, his own weight is contained in theſe Characters *Tekel uphraſin*, he is found too light, his Kingdom ſhall be taken from him.

5 And that King that holds not Religion the beſt reaſon of ſtate, is void of all piety and juſtice, the Supporters of a King.

6 He muſt be able to give Counſell himſelf, but not to relye thereupon: for though happy events juſtifie their Councels, yet it is better that the evill event of

good

good advice be rather imputed to a Subject then a Soveraigne.

7 He is the Fountain of Honour, which should not run with a waſt pipe, leſt the Courtiers ſell the waters, and then (as Papiſts ſay of their holy Wels) to loſe the vertue.

8 He is the life of the Law, not onely as he is *lex loquens* himſelf, but becauſe he animateth the dead letter, making it active towards all his Subjects *præmio & pœna.*

9 A wiſe King muſt doe leſſe in altering his Laws, then he may; for new government is ever dangerous, it being true in the body politique, as in the corporall, that *omnis ſubita mutatio eſt periculoſa*, and though it be for the better, yet it is not without a fearfull apprehenſion; For he that changeth the fundamentall Laws of a Kingdome, thinketh that there is no good title to a Crown but by conqueſt.

10 A King that ſetteth to ſale Seats of Juſtice, oppreſſeth the People, for he teacheth his Judges to ſell Juſtice, and *præcio parata, præcio vincitur Juſticia.*

Bounty and Magnificence are vertues, *veræ Regiæ*, but a prodigall King is neerer a Tyrant, then a parcimonious: for ſtore at home draweth his contemplations abroad, but want ſupplyeth it ſelf of what is next, and many times the next way, and herein he muſt be wiſe and know, what he may juſtly doe.

12 That King which is not feared, is not loved, and he that is well ſeen in his craft, muſt as well ſtudy to be feared as loved, yet not loved for feare, but feared for love.

13 Therefore as hee muſt alwayes reſemble him whoſe great name he beareth, and that in manifeſting

the ſweet influence of his mercy over the ſevere ſtroke of his Juſtice ſometimes, ſo in this not to ſuffer a man of death to live, for beſides that the Land doth mourn, the reſtraint of Juſtice towards ſin doth more retard the affection of love, then the extent of mercy doth enflame it, and ſure where love is beſtowed, feare is quite loſt.

14 His greateſt Enemies are his Flatterers, for though they ever ſpeak on his ſide, yet their words ſtill make againſt them.

15 The love which a King oweth to the weal-publike, ſhould not be reſtrained to any one particular, yet that his more ſpeciall favour do reflect upon ſome worthy ones, is ſomwhat neceſſary, becauſe there are ſo few of that capacity.

Hee muſt have a ſpeciall care of five things, if hee would not have his Crown to be put upon him.

Firſt, that *ſimulata ſanctitas*, be not in the Church, for that is *duplex iniquitas*.

Secondly, that *inutilis æquitas*, ſit not in the Chancecery, for that is *inepta miſericordia*.

Thirdly, that *utilis iniquitas*, keep not the Exchequer, for it is *crudele latrocinium*.

Fourthly, that *fidelis temeritas* be not his Generall, for that will bring but *ſeram pœnitentiam*.

Fiftly, that *infidelis prudentia*, be not his Secretary, for that he is *Anguis ſub viridi herba*.

To conclude, as he is of the greateſt power, ſo hee is ſubject to the greateſt cares, made the ſervant of his people, or elſe he were without a calling at all.

He then that honoureth him not, is next an Atheiſt wanting the feare of God in his heart.

An explanation what manner of persons those should be, that are to execute the power or Ordinance of the Kings Prerogative, written by the said Sir Francis Bacon, *late Lord Chancellour, and Lord St.* Albans.

THat absolute Prerogative according to the Kings pleasure revealed by his Lawes, may be exercised and executed by any Subject, to whom power may be given by the King, in any place of Judgement or Commission, which the King by his Law hath ordained, in which the Judge subordinate cannot wrong the people, the Law laying downe a measure by which every Judge should governe or execute; Against which Law if any Judge proceed, he is by the Law questionable and punishable for his transgression.

In this nature are all the Judges and Commissioners of the Land no otherwise then in their Courts, in which the King in person is supposed to sit who cannot worke that trespasse, Felony or treason which the Law hath not made so to be, neither can punish the guilty by other punishment then the Law hath appointed.

This Prerogative or power as it is over all the Subjects so being knowne by the Subjects, they are without excuse if they offend; and suffer no wrong, if they be punished. And by this prerogative the King governeth all sorts of people according unto knowne will.

The absolute prerogative which is in Kings according to their private will and judgement cannot be executed by any Subject, neither is it possible to give such power by Commission, or fit to subject the people to the same. For the King in that he is the substitute of God immediatly

diatly the Father of his people, and head of the Common wealth by participation with God and his ſubjects, Diſcretion, Iudgement, and feeling love towards thoſe over whom he raigneth only proper to himſelfe, or to his places and perſon, who ſeeing he cannot in any others diffuſe his wiſedome, power, or gifts, which God in reſpect of his place and charge hath enabled him withall, can neither ſubordinate any other Iudge to governe by that knowledge, which the King can no otherwiſe then by his knowne will participate unto him. And if any ſubordinate Iudge ſhall obtaine Commiſsion according, of ſuch Iudge to govern the people, that Iudge is bound to think that to be his ſound diſcretion, in which the law in which the Kings known will ſheweth unto him to be that Iuſtice which hee ought to adminiſter: otherwiſe he might ſeeme to eſteeme himſelfe above the Kings law, who will not governe by him, or to have a power derived from other then from the King, which in the Kingdome will adminiſter Iuſtice contrarie to the juſtice of the Land. Neither can ſuch a Judge or Commiſsioner under the name of his high Authoritie ſhrowde his owne high affection, ſeeing the Conſcience and diſcretion of every man is particular and private to himſelfe; As the diſcretion of the Judge cannot be properly or poſsibly the diſcretion of the King, or conſcience of the King. And if not his diſcretion, neither the Judgement that is ruled by another mans only. Therefore it may ſeeme they rather deſire to bee Kings then to rule the people under the King, which will not adminiſter Juſtice by law, but by their owne wills.

This Adminiſtration in a ſubject is derogative to the Kings Prerogative, for he adminiſtreth Juſtice out of a private

private direction; being not capable of a generall direction, how to use the Kings pleasure in Causes of particular respect, which if another then the King himselfe can doe, how can it be so, that any man should desire that which is unfit and impossible, but that it must proceed out of some exorbitant affection, the rather seeing such places to be full of trouble, and being altogether unnecessary, no man will seeke to thrust himselfe into it, but for hope of gaine. Then is not any prerogative oppugned but maintained, though it be desired that every subordinate Magistrate may not be made supreame, whereby he may seale up the hearts of the people, take from the King the respect due unto him only, or to judge the people otherwise then the King doth himselfe.

And although the Prince be not bound to render any accompt to the Law, which in person administreth it selfe. Yet every subordinate Judge must render an accompt to the King by his lawes how hee hath administred Justice in his place where he is set. But if he hath power to rule by private direction, for which there is no law, how can he be questioned by a law, if in his private censure he offendeth.

Therefore it seemeth that in giving such authority the King ordaineth not subordinate Magistrates, but absolute Kings; And what doth the King leave to himselfe, who giveth so much to others as he hath himself: neither is there a greater bond to tie the subject to his Prince in particular then when he shal have recourse unto him in his person or in his power for releif of the wrongs which from private men be offered, or for reformation of the oppressions which any subordinate Magistrate shall impose upon the people: there can be no offence in the

the Judge, who hath power to execute according to his discretion, when the discretion of any Judge shall be thought fit to be unlimited; And therefore there can be therein no reformation, whereby the King in this useth no prerogative to gaine his Subjects right. Then the subject is bound to suffer helplesse wrong, and the discontent of the people is cast upon the King, the lawes being neglected, which with their equitie in all other Causes and Judgements, saving this, interpose themselves and yeeld remedy.

1. Custome.
2. Wisdome.
3. Justice.
4. Rule against it.

And to conclude, Custome cannot confirme that which is any wayes unreasonable of it selfe; Wisedome will not allow that which is many wayes dangerous, and no wayes profitable, Justice will not approve that government where it cannot be, but wrong must bee committed. Neither can there be any rule by which to try it, nor meanes for reformation of it.

Therefore whosoever desireth Government, must seeke such as he is capable of, not such as seemeth to himselfe most easie to execute; For it appeareth that it is easie to him that knoweth not law nor justice to rule as he listeth, his will never wanting a power to it selfe: but it is safe and blamelesse both for the Judge and People, and honour to the King, that Judges bee appointed who know the Law, and that they bee limited to governe according to the Law.

FINIS.